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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,946

03/30/2004

Young Wook Choi

955-1003

3107

38209

7590

04/18/2008

STANZIONE & KIM, LLP  
919 18TH STREET, N.W.  
SUITE 440  
WASHINGTON, DC 20006

EXAMINER

BAND, MICHAEL A

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

04/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/811,946</p>	<p><b>Applicant(s)</b> CHOI ET AL.</p>	
	<p><b>Examiner</b> MICHAEL BAND</p>	<p><b>Art Unit</b> 1795</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 03 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Alexa D. Neckel/  
Supervisory Patent Examiner, Art Unit 1795

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant's arguments filed 4/3/2008 have been fully considered but they are not persuasive. Therefore the request to withdraw finality is denied for the following reason:.

2. On p. 5 and 7, the Applicant contends that since the Examiner views the claims as to ambiguous since confusion has arisen regarding the simplified scalar version of Ohm's law, the finality of the rejection along with the 112, 1st paragraph rejection for failing to comply with the enablement requirement should be withdrawn.

The Examiner respectfully disagrees. The finality of the rejection is maintained. The Applicant is claiming to be able to separate out an electrical voltage from an electrical current by citing the equation  $J = \sigma(E + v \times B)$  as enabling this separation to be possible. The Applicant further states that since this invention utilizes a nonlinear equation, the separating out electrical current and electrical voltage can be accomplished as opposed to an invention using a linear equation. The Examiner states that the separation of electrical current from electrical voltage has been proven to be scientifically impossible, regardless of whether the relationship between the two is linear or nonlinear. Thus one of ordinary, or even possibly extraordinary, skill in the art would not know how to make or use an invention which defies the laws of nature. Therefore the 112, 1st paragraph rejections of claims 1 and 7 for failing to comply with the enablement requirement are maintained.

3. On p. 7, the Applicant argues that paragraph [0033] of Applicant's specification complies with the written description requirement disclosing applying an electric current to the magnesium target by the power control part to increase power on the magnesium target when the voltage on the magnesium target stops increasing in response to an increase in the applied voltage.

The Examiner agrees that there is support for the claim limitation and withdraws the 112, 1st paragraph rejection for failing to comply with the written description requirement.

4. On p. 8-12, all of Applicant's arguments are directed towards the references Haag et al and Lanford et al for not teaching any capability or mechanism to apply a voltage and an electric current separately (p. 8, para 3 of Remarks).

The Examiner respectfully disagrees. Lanford et al was applied to Haag et al to teach an increasing voltage upon a target during deposition, with proper motivation given in the Final Rejection Office Action dated 12/3/2007. As the Examiner has stated, a 112, 1st paragraph rejection of enablement requirement has been directed towards Applicant's claim limitations of being able to separate out an electrical voltage from an electrical current.